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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
		10/763,862	YING ET AL.
Office Action Summary		Examiner	Art Unit
		Scott Christensen	2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>17 September 2009</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-26</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-26</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to Applicant's amendment filed 9/17/2009.

2.   A request for continued examination under 37 CFR 1.114, including the fee set
forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this
application is eligible for continued examination under 37 CFR 1.114, and the fee set
forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action
has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on
9/17/2009 has been entered.

Response to Arguments

3.   Applicant's arguments filed 9/17/2009 have been fully considered but they are
not persuasive.

4.   On pages 8-9, Applicant argues the rejection of claim 1. More specifically,
Applicant argues that Oomen does not disclose one of a logical or geographic location.

        However, Applicant has not amended any of claims 1, 10, or 19 to further limit
the term "logical location." Accordingly, there is still no requirement that the logical
location of claims 1, 10, and 19 to be a "status" as opposed to being a standard network
address. Thus, the Response to Arguments presented in the Office Action issued
6/19/2009 applies to this argument.

5.   On pages 9-14, Applicant argues the rejection of the remaining claims, as the
claims now depend from one of claims 24-26, where the "logical location is a status of
the user."

First, it is noted that there is no requirement as to what constitutes a "status."
While a status may not necessarily be interpreted directly as a network address, the
term is still not limited to the use as in the instant specification. Thus, a simple
presence service would teach the "status" as claimed, as a presence service would give
a status of "available" or "not available."

Further, none of claims 24-26 actually requires that the location information
includes the logical location. Rather, the claims simply modify the logical location,
where the "location information is one or more of a geographical location and a logical
location," as in, for example, claim 1. Accordingly, as it would have been well known to
assign TCP/IP addresses according to geographic locations, it would have been
obvious to have the location information being a geographic location.

Applicant should amend the instant claim to clearly require what information is
within the location information. For example, what constitutes a "geographical location"
and what constitutes a "status."

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign
country or in public use or on sale in this country, more than one year prior to the date
of application for patent in the United States.

7.   Claims 1 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by

Oommen et al. (Oommen), US PG pub. No. 2003/0103484.

8.   With regard to claim 1, Oommen discloses a method comprising:

        receiving one of a Short Message Service, Enhanced Message Service,

Multimedia Message Service, and SyncML message (Oomen: Page 6, Paragraph

0062);

        extracting a device identifier from the message (Oomen: Page 6, Paragraph

0062); and

        applying the device identifier to determine a device status (Oomen: Page 6,

Paragraph 0062. Using a SyncML, unique device identity as well as the capabilities of

the device and device information are ascertained), including location information

(Oomen: Page 3, Paragraph 0025),

        wherein the location information is one or more of a geographical location and a

logical (Oomen: Any location information, especially within a network, would be either a

logical or geographic location. For instance, network addresses, such as that in TCP/IP

and many other protocols are logical locations.).

9.   With regard to claim 10, the instant claim is substantially similar to the invention

claimed in claim 1, and is rejected for substantially similar reasons.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 2, 12, and 24-25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Oomen in view of US 2003/0126209 to Wen et al., hereafter referred

to as "Wen."

12.   With regard to claim 24, Oomen discloses the invention as substantially claimed

except that the location information is one or more of a geographic location and a logical

location (which language appears in claim 1), where the logical location is a status of a

user.

        However, Wen discloses that it was known to have TCP/IP addresses

correspond to geographic locations (Wen: Abstract, Paragraph [0001] and Paragraph

[0006]).

        Accordingly, it would have been obvious to have the address of the device of

Oomen have location information that is a geographic location, as in TCP/IP according

to Wen. It is noted that claim 24 makes no requirement that the location information

includes the logical location. Rather, claim 24 serves to modify the logical location,

which is not required to be part of the location information.

        The suggestion/motivation for doing so would have been that in assigning

addresses, having addresses assigned, in part, based on geographic locations ensures

that addresses can be assigned in a decentralized fashion without collaboration between the assignors. Thus, each area would have a range of addresses that can be assigned to nodes in that geographic area, where the assignor can be sure that the addresses that are assigned will not be assigned by any other assignor in another geographic location. Further, Wen discloses functionality that can be performed when the address of the nodes corresponds to a geographic location.

13.   With regard to Claim 2, Oommen as modified by Wen teaches the method of claim 1, further comprising: extracting an International Mobile Equipment Identity from the message (Oomen: Page 6, Paragraph [0062]).

14.   With regard to claim 25, the instant claim is substantially similar to the invention claimed in claim 24, and is rejected for substantially similar reasons.

15.   With regard to Claim 12, the instant claim is substantially similar to the invention claimed in claim 2, and is rejected for substantially similar reasons.

Claim Rejections - 35 USC § 103

16.   Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (Chen), US PG Pub. No. 2005/0153741 in view of Oommen.

17.   With regard to Claim 19 Chen discloses a communication arrangement comprising:

a Short Message Service Center (SMSC) (Chen: Fig. 5, 517);

a permissions facility (Chen: Fig. 5, 523); and

a network element configured to receive a Short Message Service message from a device via the SMSC (Chen: Fig. 5, 519), apply the device identifier to locate device status information (Chen: Fig. 7, 718 & ¶0057, lines 29-35), and interact with the permissions facility to determine permissions to apply to service requests originating from the device (Chen: Fig. 7, 716 & ¶0057, lines 25-28).

Chen does not teach expressly extracting a device identifier from the message, location information, or that the location information is one or more of a geographic location and a logical location.

However, Oomen teaches extracting a device identifier from the message, location information, or that the location information is one or more of a geographic location and a logical location (Oomen: Page 6, Paragraph [0062] and Page 3, Paragraph [0025]).

It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Oommen's teachings of ascertaining the device identity, capabilities and information with the teachings of Chen, for the purpose of facilitating retrieval of mobile device configuration or capabilities. Chen provides motivation to do so, by enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset (Chen: Page 1, Paragraph 0008).

Claim Rejections - 35 USC § 103

18.   Claims 20-23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Chen in view of Oomen and further in view of Wen.

19.   With regard to claim 26, Chen as modified by Oomen teaches that the invention

as substantially claimed except that the location information is one or more of a

geographic location and a logical location (which language appears in claim 19), where

the logical location is a status of a user.

        However, Wen discloses that it was known to have TCP/IP addresses

correspond to geographic locations (Wen: Abstract, Paragraph [0001] and Paragraph

[0006]).

        Accordingly, it would have been obvious to have the address of the device of

Chen as modified by Oomen have location information that is a geographic location, as

in TCP/IP according to Wen. It is noted that claim 24 makes no requirement that the

location information includes the logical location. Rather, claim 24 serves to modify the

logical location, which is not required to be part of the location information.

        The suggestion/motivation for doing so would have been that in assigning

addresses, having addresses assigned, in part, based on geographic locations ensures

that addresses can be assigned in a decentralized fashion without collaboration

between the assignors. Thus, each area would have a range of addresses that can be

assigned to nodes in that geographic area, where the assignor can be sure that the

addresses that are assigned will not be assigned by any other assignor in another geographic location. Further, Wen discloses functionality that can be performed when the address of the nodes corresponds to a geographic location.

20.   With regard to Claim 20, Chen as modified by Oommen and Wen teaches the network element further configured to extract a subscriber identifier from the message and apply the subscriber identifier to determine subscriber services (Chen: Fig, 7, 714, ¶0057 and Fig 6, ¶0047).

21.   With regard to Claim 21, Chen as modified by Oommen and Wen, as applied to claim 26, above, teaches the invention as substantially claimed except the network element further configured to extract an International Mobile Equipment Identity from the message.

        However, Oommen teaches extracting an Internet Mobile Equipment Identity from the message (Oomen: Page 6, ¶0062).

        It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Oommen's teachings of ascertaining the device unique identity with the teachings of Chen.

        The suggestion/motivation for doing so would have been for the purpose of facilitating retrieval of mobile device configuration or capabilities (see Oommen, ¶0002). Chen provides motivation to do so, by enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a

subscriber using someone else's SIM card in their mobile handset (see Chen, Page 1,

¶0008).

22.   With regard to Claim 22, the instant claim is rejected for substantially similar

reasons as claim 21.

23.   With regard to Claim 23, Chen as modified by Oommen and Wen teaches that

the network element comprising a deny database, the deny database comprising device

status information (Chen: Fig. 5, 525, ¶0057).

Claim Rejections - 35 USC § 103

24.   Claims 3, 4, 7-9, 11, 13, 16-18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Oommen in view of Wen and further in view of Chen.

25.   With regard to Claim 3, Oomen as modified by Wen teaches the invention as

substantially claimed except setting network access permissions according to the

device status for a device corresponding to the device identifier.

        In the same field of endeavor, Chen teaches setting network access permissions

according to device status for a device corresponding to the device identifier (Chen: Fig.

6, ¶0047).

        It would have been obvious to one of ordinary skill in the networking art at the

time the applicant's invention was made to combine Chen's teachings of registering a

mobile device according to the received information corresponding to the device

identification with teachings of Oommen, for the purpose of enabling a network to detect

when a subscriber changes phones and uses the same subscriber identification (SIM)

card as well as a subscriber using someone else's SIM card in their mobile handset

(see Chen, Page 1, ¶0008). Oommen provides motivation to do so, by facilitating

retrieval of mobile device configuration or capabilities (see Oommen, ¶0002).

26.   With regard to Claim 4, Oommen as modified by Wen teaches the invention as

substantially claimed except applying the device identifier to a deny database to

determine the device status.

       In the same field of endeavor, Chen teaches, (see e.g. Fig. 5, 525, ¶0057) the

device status is determined based on its identification and the information in service

database.

       It would have been obvious to one of ordinary skill in the networking art at the

time the applicant's invention was made to combine Chen's teachings of device status

determination based on its identification information in the service database with

teachings of Oommen, for the purpose of enabling a network to detect when a

subscriber changes phones and uses the same subscriber identification (SIM) card as

well as a subscriber using someone else's SIM card in their mobile handset (see Chen,

Page 1, ¶0008). Oommen provides motivation to do so, by facilitating retrieval of

mobile device configuration or capabilities (see Oommen, ¶0002).

27.   With regard to Claim 7, Oommen as modified by Wen teaches the invention as

substantially claimed except extracting a subscriber identifier from the message;

applying the subscriber identifier to identify subscriber services; and applying

permissions for access to the subscriber services by the subscriber according to the

device status.

In the same field of endeavor, Chen teaches, (see e.g. Fig, 7, 714, ¶0057)

extracting the Subscriber Information from the message received (see e.g. Fig. 6,

¶0047) a server registering the mobile device according to the received information

corresponding to the Subscriber identification (IMSI) and device information (IMEI).

It would have been obvious to one of ordinary skill in the networking art at the

time the applicant's invention was made to combine Chen's teachings of registering a

mobile device according to the received Information corresponding to the extracted

Subscriber Identification (IMSI) and (IMEI) with teachings of Oommen, for the purpose

of enabling a network to detect when a subscriber changes phones and uses the same

subscriber identification (SIM) card as well as a subscriber using someone else's SIM

card in their mobile handset (see Chen, Page 1, ¶0008). Oommen provides motivation

to do so, by facilitating retrieval of mobile device configuration or capabilities (see

Oommen, ¶0002).

28.   With regard to Claim 8, Oommen as modified by Wen and Chen as applied to

claim 7 above substantially disclose the invention as claimed. Chen further discloses:

extracting at least one of an International Mobile Subscriber Identity and an Integrated

Circuit Card ID from the (see e.g. Fig. 7, 714, ¶0057) extracting the Subscriber

Information from the message received message (IMSI).

29.   With regard to Claim 9, Oommen as modified by Wen and Chen as applied to

claim 7 above substantially disclose the invention as claimed. Chen further discloses:

applying the subscriber identifier to locate subscriber information (see e.g. Fig. 6,

¶0047) a server registering the mobile device according to the received information

corresponding to the Subscriber identification (IMSI) and device information (IMEI).

30.   With regard to claim 11, the instant claim is substantially similar to claim 3, and is

rejected for substantially similar reasons.

31.   With regard to Claim 13, Oommen as modified by Wen as applied to claim 10

above substantially disclose the invention as claimed. However Oommen does not

disclose logic to cause the applying of the device identifier to a deny database to

determine the device status

         In the same field of endeavor, Chen teaches (see e.g. Fig. 5, 525, ¶0057) the

device status is determined based on its identification and the information in service

database

         It would have been obvious to one of ordinary skill in the networking art at the

time the applicant's invention was made to combine Chen's teachings of device status

determination based on its identification information and the information in the service

database with teachings of Oommen, for the purpose of enabling a network to detect
when a subscriber changes phones and uses the same subscriber identification (SIM)
card as well as a subscriber using someone else's SIM card in their mobile handset
(see Chen, Page 1, ¶0008). Oommen provides motivation to do so, by facilitating
retrieval of mobile device configuration or capabilities (see Oommen, ¶0002).

32.   With regard to Claim 16, Oommen as modified by Wen as applied to claim 10
above substantially disclose the invention as claimed. However Oommen does not
discloses logic to cause the extracting of a subscriber identifier from the message, the
applying of the subscriber identifier to identify subscriber services, and the applying of
permissions to the subscriber services according to the device status.

        In the same field of endeavor, Chen teaches (see e.g. Fig. 7, 714, ¶0057)
extracting the Subscriber Information from the message received, (see e.g. Fig 6,
¶0047) subscriber registration and subscriber services are identified based on
association of the IMSI and the service database IMEI is used to determine the status of
the device in conjunction with the service database.

        It would have been obvious to one of ordinary skill in the networking art at the
time the applicant's invention was made to combine Chen's teachings of extraction of
the Subscriber information and device information for the purpose of device status and
subscriber service determination in association with the database with teachings of
Oommen, for the purpose of enabling a network to detect when a subscriber changes
phones and uses the same subscriber identification (SIM) card as well as a subscriber

using someone else's SIM card in their mobile handset (see Chen, Page 1, ¶0008).
Oommen provides motivation to do so, by facilitating retrieval of mobile device
configuration or capabilities (see Oommen, ¶0002).

33.   With regard to Claim 17, Oommen as modified by Wen and Chen as applied to
claim 16 above substantially disclose the invention as claimed. Chen further discloses:
subscriber identifier is at least one of International Mobile Subscriber Identity and
Integrated Circuit Card ID (see e.g. Fig. 7, 714, ¶0057) extracting the Subscriber
Information from the message received message (IMSI).

34.   With regard to Claim 18, Oommen as modified by Wen and Chen as applied to
claim 16 above substantially disclose the invention as claimed. Chen further discloses:
logic to cause the applying of the device identifier to a deny database to determine the
device status (see e.g. Fig. 6, ¶0047) a server registering the mobile device according
to the received information corresponding to the device information (IMEI) in association
with the database.

Claim Rejections - 35 USC § 103

35.   Claims 5, 6, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Oommen in view of Wen and further in view of Corrigan et al. (Corrigan), US PG
Pub. No. 2002/0187775.

36. With regard to Claim 5, Oommen as modified by Wen as applied to claim 1 above substantially discloses the invention as claimed. However Oommen does not explicitly teach: receiving the message via a Short Message Peer to Peer interface.

In the same field of endeavor, Corrigan teaches, (see e.g. Page 7, ¶0178, lines 6-11) utilizing the Short Message Peer to Peer interface for reception of the Short Message Service.

It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Corrigan's teachings of reception of the SMS via the Short Message Peer to Peer interface with teachings of Oommen, for Optimal delivery of services over various bearers (see Corrigan, Page 1, ¶0013). Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities (see Oommen, ¶0002).

37. With regard to Claim 6, Oommen as modified by Wen as applied to claim 1 above substantially discloses the invention as claimed. However Oommen does not explicitly teach: communicating the device status to a customer care facility.

In the same field of endeavor, Corrigan teaches, (see e.g. Page 3, ¶0072) the portal provides customer care personnel access to provisioning database.

It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Corrigan's teachings of the portal providing customer care personnel with access to provisioning database with teachings of Oommen, for Optimal delivery of services over various bearers (see Corrigan, Page

1, ¶0013). Oommen provides motivation to do so, by facilitating retrieval of mobile

device configuration or capabilities (see Oommen, ¶0002).

38.   With regard to Claim 14, Oommen as modified by Wen and Corrigan as applied

to claim 10 above substantially disclose the invention as claimed. Corrigan further

discloses logic to cause the receiving of the message via a Short Message Peer to Peer

interface (see e.g. Page 7, ¶0178, lines 6-11) utilizing the Short Message Peer to Peer

interface for reception of the Short Message Service.

39.   With regard to Claim 15, Oommen as modified by Wen and Corrigan as applied

to claim 10 above substantially disclose the invention as claimed. Corrigan further

discloses logic to cause the communicating of device status to a customer care facility

(see e.g. Page 3, ¶0072) the portal provides customer care personnel access to

provisioning database.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information With regard to the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. C./
Examiner, Art Unit 2444
/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444